

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CLARK HAMER,

Plaintiff,

vs.

STATE OF NEVADA BUREAU OF
VOCATIONAL REHABILITATION
EMPLOYMENT AND TRAINING,

Defendant.

Case No. 2:15-cv-01036-GMN-GWF

ORDER

This matter is before the Court on Plaintiff's Motion for Court to Issue Complaint and Summons (ECF No. 23), filed on October 27, 2016.

On January 21, 2016, the undersigned Magistrate Judge entered an Order (ECF No. 4) granting Plaintiff's Application for Leave to Proceed *In Forma Pauperis* (ECF No. 1) and Report and Recommendation dismissing Plaintiff's racial discrimination claim against Defendant Nevada Disability and Advocacy Law Center ("NDALC") without prejudice and leave to file an amended complaint within 30 days of the Order. On February 22, 2016, the Court entered an Order (ECF No. 7) adopting the undersigned's Report and Recommendation. On March 8, 2016 Plaintiff filed a Notice of Appeal (ECF No. 9) and on March 9, 2016, he filed an Objection to the Report and Recommendation (ECF No. 10). On March 17, 2016, the Court of Appeals for the Ninth Circuit found that Plaintiff's Objection could be construed as a timely-filed motion listed in Federal Rule of Appellate Procedure ("FRAP") 4(a)(4). On August 23, 2016, the Court construed Plaintiff's Objection as a motion listed under FRAP 4 and provided Plaintiff a second opportunity to file his second amended complaint by October 7, 2016 to correct its deficiencies. *See* ECF No. 15.

1 On September 19, 2016, Plaintiff filed his amended complaint (ECF No. 19). Prior to ordering
2 the issuance of summons as to Plaintiff's amended complaint, the court must screen the amended complaint
3 pursuant to 28 U.S.C. § 1915(e). The Court is in the process of screening Plaintiff's amended complaint.
4 Accordingly,

5 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Court to Issue Complaint and Summons
6 (ECF No. 23) is **denied without prejudice**.

7 DATED this 2nd day of November, 2016.

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10 GEORGE FOLEY, JR.
11 United States Magistrate Judge
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